

Detailed Action

In response to the Office Action mailed on 02/21/09, applicants' filed a response on 08/07/09 with claim amendments. Said response, amended claim 25. Thus, claims 6, 7, 23-27, 29 and 30 are pending and are being considered for examination.

Previous rejection of claim 25 (claims 24, 26, 27, 29, 30, 6 and 7 depending therefrom) rejected under 35 U.S.C. 101, is being withdrawn due to amendments to claims.

Previous rejection of claim 25 and claims 6, 7, 24, 26, 27 depending therefrom rejected under 35 U.S.C. 112, first paragraph for enablement and written description, is being withdrawn due to persuasive arguments by the applicants.

Previous rejection of claims 6, 7, 24-27, 29 and 30 rejected under 35 U.S.C. 102(b) as being anticipated by Taniguchi et al., (Glycoconjugate Journal, 2001 (November), Vol. 18 (11-12): 859-865, in IDS) is being withdrawn due to submission of English translation for the Japanese application 2002-2056 filed on 01/09/2002 and for examination purposes the effective date for the instant claims is the filing date of Japanese application 2002-2056 filed on 01/09/2002 and persuasive arguments by the applicants.

Applicants' arguments and amendments to claims filed on 08/07/09 have been fully considered and are deemed to be persuasive to overcome the rejections previously applied. Rejections and/or objections not reiterated from previous office action are hereby withdrawn.

Claims 6, 7, 24-27, 29 and 30 are directed to an allowable product. Pursuant to the procedures set forth in MPEP § 821.04(B), claim 23 directed to the process of making or using an allowable product, previously withdrawn from consideration as a result of a restriction requirement dated 12/16/05 is hereby rejoined and fully examined for patentability under 37 CFR 1.104.

Because all claims previously withdrawn from consideration under 37 CFR 1.142 have been rejoined, **the restriction requirement as set forth in the Office action mailed on 03/04/2008 is hereby withdrawn.** In view of the withdrawal of the restriction requirement as to the rejoined inventions, applicant(s) are advised that if any claim presented in a continuation or divisional application is anticipated by, or includes all the limitations of, a claim that is allowable in the present application, such claim may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application. Once the restriction requirement is withdrawn, the provisions of 35 U.S.C. 121 are no longer applicable. See *In re Ziegler*, 443 F.2d 1211, 1215, 170 USPQ 129, 131-32 (CCPA 1971). See also MPEP § 804.01.

Priority

Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). This application is a 371 of PCT/JP02/13879 filed on 12/27/2002 and claims the priority date of Japanese application 2002-2056 filed on 01/09/2002. Examiner notes that the certified copy of the Japanese application 2002-205 is provided on 07/07/2004. English translation for the said Japanese application has been provided on 08/07/09 and hence for examination purposes the effective date for the instant claims is the filing date of Japanese application 2002-2056 filed on 01/09/2002.

Information disclosure statement

The information disclosure statements (IDS) submitted on 09/09/08 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the IDS has been considered and initialed by the examiner.

Allowable Subject Matter

Claims 6, 7, 23-27, 29 and 30 are allowed.

The following is an examiner's statement of reasons for allowance:

Following a diligent search, it was determined that the prior art neither teaches nor suggests an isolated polypeptide fragment of an N-acetylglucosaminyltransferase V (GnT-V), said fragment comprising the amino acid sequence of SEQ ID NO: 7 and having the associated neovascularization activity. The utility of said polypeptide fragment is credible based on expression of said fragment comprising the amino acid sequence of SEQ ID NO: 7 and to a method of use of said polypeptide fragment in promoting neovascularization activity (Examples 1-8, pages 37-50 of the specification).

Any comments considered necessary by applicant must be submitted no later than the payment of issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance".

Final Comments

To insure that each document is properly filed in the electronic file wrapper, it is requested that each of amendments to the specification, amendments to the claims, Applicants' remarks, requests for extension of time, and any other distinct papers be submitted on separate pages.

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It is also requested that Applicants identify support, within the original application, for any amendments to the claims and specification.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ganapathirama Raghu whose telephone number is 571-272-4533. The examiner can normally be reached between 8 am-4: 30 pm EST. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Wang can be reached on 571-272-0811. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300 for regular communications and for After Final communications. Any inquiry of a general nature or relating to the status of the application or proceeding should be directed to the receptionist whose telephone number is 571-272-1600.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Ganapathirama Raghu/
Patent Examiner
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